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REMARKS

The Official Action dated December 3, 2004 has been received and its contents carefully noted. In view thereof, claims 1, 3 and 4 have been amended and new claims 5-9 have been added in order to better define that which Applicants' regard as the invention. Accordingly, claims 1-9 are presently pending in the instant application.

With reference now to the Official Action, initially Applicants wish to acknowledge the Examiner's indication in paragraph 5 of the Office Action that claims 3 and 4 have been objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. In this regard, with the foregoing amendments, new claim 5 has been added which includes the features of previous dependent claim 3 substantially rewritten in independent form. Accordingly, it is respectfully submitted that independent claim 5 as well as dependent claim 6 clearly distinguish over the prior art of record and are in proper condition for allowance.

With respect to claims 1-4 and 7-9, it is respectfully submitted that these claims are likewise in proper condition for allowance for the reasons discussed in detail hereinbelow.

With reference now to paragraph 1 of the Office Action, claim 3 has been objected to as including a minor informality. Specifically, as the Examiner notes that "a" should be inserted after "from" in line 8 of the claim. In this regard, each of claims 3 and 4 have been amended to refer to "the position that corresponds in height to said upper periphery of the window pane" in that antecedent basis for such limitation is now set forth in independent claim 1. Accordingly, it is respectfully submitted that claim 3 is now in proper formal condition for allowance. Further, when adding new claim 5, the claim is properly set forth to recite "a position that corresponds in height to the upper periphery of the window pane".

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With reference now to paragraph 4 of the Office Action, claims 1 and 2 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Japanese Patent Publication No. 364238 in view of U.S. Patent No. 6,220,650 issued to Davies, et al. This rejection is respectfully traversed in that the combination proposed by the Examiner neither discloses nor suggests that which is presently set forth by Applicants' claimed invention.

As the Examiner can readily appreciate, independent claim 1 has been amended to recite a side structure of a vehicle comprising a slide door opening area formed at the side wall of the vehicle, a slide door slidable to freely open and close the slide door opening area, a window opening area formed in the upper portion of the slide door, a window pane elevated and lowered to freely open and close the window opening area wherein a rear periphery of the slide door opening area comprises a first rear periphery formed substantially corresponding in position to an area where the window opening area is arranged at a second rear periphery formed below the first rear periphery with respect to the vehicular vertical direction the first rear periphery extends substantially vertically and extends upward in from a position that corresponds in height to the upper periphery of the window pane in the state where the window pane is lowered down to the maximum the first rear periphery being located behind the second rear periphery with respect to the vehicle's longitudinal direction. Further, the slide door is slidable to a fully opened position where a front periphery of the window opening area substantially corresponds in position to the second rear periphery of the slide door opening area while the longitudinal length between the front periphery of the window opening area and the first rear periphery is greater than the longitudinal length between the front periphery of the window opening area and the second rear periphery in a fully opened condition of the slide door and a lower portion of a rear periphery of the slide door substantially corresponds in position to the second rear periphery is located in front of an upper portion substantially corresponding in position to the first rear periphery in a fully

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closed condition of the slide door. Particularly, as can be seen from the foregoing amendments, independent claim 1 has been amended to recite that the first rear periphery extends substantially vertically and extends upward from a position that corresponds in height to the upper periphery of the window pane in the state where the window pane is lowered down to the maximum. Clearly, the combination proposed by the Examiner fails to disclose or remotely suggest this feature.

With respect to the prior art cited by the Examiner, the Japanese Patent Publication relates to a slide rail mechanism for a sliding door and fails to disclose or remotely suggest the technical problems or solutions set forth in accordance with Applicants' claimed invention. While, initially, it is noted that Figs. 1 and 3 appear similar to that of the present invention in the teachings of this reference, the window pane is not disclosed. Particularly, there is no position or relationship set forth between the upper periphery of the window pane and the rear periphery of the slide door opening area and particularly the portion corresponding to the first rear periphery as set forth in accordance with Applicants' claimed invention as recited in independent claim 1. Accordingly, it is respectfully submitted that the prior art fails to disclose or suggest the features of Applicants' claimed invention which avoid pinching. There can be found no disclosure nor remote suggestion of such a structure set forth in the references cited by the Examiner. Further, if the upper periphery of the window pane lowered down to the maximum is located at a level corresponding to an inclined portion of the rear periphery of the slide door as illustrated in Figs. 1 and 3, there would still be concerns of pinching.

Again, with the present invention the first and second rear peripheries are configured as defined in amended claim 1 and thus the effect of reducing the possibility of pinching as referred to in the summary portion of Applicants' specification is achieved. Particular

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support for the aforementioned amendments to independent claim 1 is set forth in paragraphs 32, 34 and 35 of Applicants' specification as well as Figs. 5, 6 and 8.

Therefore, in that the combination proposed by the Examiner fails to disclose or suggest a side structure for a vehicle wherein the first rear periphery extends substantially vertically and extends upward from a position that corresponds in height to the upper periphery of the window pane in the state where the window pane is lowered down to the maximum as is recited by Applicants' claimed invention, it is respectfully submitted that independent claim 1 as well as claims 2, 3 and 4 which depend therefrom clearly distinguish over the combination proposed by the Examiner and are in proper condition for allowance.

As noted hereinabove, with respect to new claim 5, this claim includes all the limitations of previous independent claim 1 as well as the subject matter indicated as being allowable by the Examiner which is likewise presently forth in original claims 3 and 4. It is further noted that reference to the lower portion of the rear periphery of the slide door substantially corresponding in position to the second rear periphery located in front of an upper portion substantially corresponding position to the first rear periphery in a fully closed condition of the slide door which was originally set forth in independent claim 1 has not been included in new independent claim 5, in that, such feature is not necessary to distinguish the claimed invention over that of the prior art. Accordingly, it is respectfully submitted that new independent claim 5 as well as claim 6 which depends therefrom is now in proper condition for allowance.

With respect to new independent claim 7, this claim includes the limitation similar to that of independent claim 1 wherein the first rear periphery as recited as extending substantially vertically and upward from a position that corresponds in height to the upper periphery of the window pane in the state where the window pane is lowered down to the maximum. Further, new independent claim 7 recites a side door structure of a vehicle


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wherein the shape of the rear periphery of the slide door is set forth in detail therein and clearly defines over the prior art of record. Specifically, independent claim recites a rear periphery of the slide door substantially comprising an upper portion substantially corresponding in position to the first rear periphery and a lower portion substantially corresponding in position to the second rear periphery, the rear periphery of the slide door being substantially inclined forward at a predetermined angle relative to a vertical line of the vehicle such that the lower portion of the rear periphery of the slide door is located in front of the upper portion of the rear periphery of the slide door. Accordingly, it is respectfully submitted that independent claim 7 as well as dependent claims 8 and 9 clearly distinguishes over the prior art of record and are in proper condition for allowance.

Therefore, in view of the foregoing it is respectfully requested that the objection and rejection of record be reconsidered and withdrawn by the Examiner, that claims 1-9 be allowed and that the application be passed to issue.

Should the Examiner believe a conference would be of benefit in expediting the prosecution of the instant application, he is hereby invited to telephone counsel to arrange such a conference.

Respectfully submitted,



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